

City of Bloomington
Telecommunications Council
Minutes
September 2, 2008 7:30pm
Common Council Chambers
City Hall at the Showers Building
401 N. Morton St.

I. Introductions & Roll

- BTC Members: Carl Zager, Eric Ost, Suzann Owen, Jesse Stryker,
- Invited Guests: Michael White (CATS), Phil Meyer (WTIU)
- City Staff: Rick Dietz, Justin Goodwin

II. Approval of Minutes

No minutes approved. Delayed approval of August minutes until October Meeting.

III. Public Comment and Reports

None

IV. Reports and Announcements

1. BTC Member Reports:

Suzann indicated that Comcast is limiting content more than the size of downloads for video and audio.

Eric responded that Comcast has announced a download limit, 250 GB and finds it ironic that a broadband provider is putting limits on its customer, while cell providers are moving away from bandwidth limits. They will be metering by the minute. Subscribers don't want limits. If subscribers have concerns, they need to contact Comcast.

Jesse – Things that you may download that you don't ask for such as advertisement. So things have to be considered with the downloads even if you just do simple emails.

Eric said that Comcast dropped bill automated payment fee of \$3.99. We encourage that customers to let there voices be heard, and file complaints.

Carl stated that MCCSC has learned that Comcast will be installing public access services to the new tech H.S. It was handled through the Indy office.

2. CATS – Michael White (www.cats.net) Required Quarterly

Micheal indicated there has been significant traffic on the website. (Eric volunteered to find out where those hits originated)

Programming included:

- Jazz in July
- Tuesday Tales

- Rain garden Run off
- Spanish program
- John Waldon Art Center
- Flags for Freedom
- Budget Hearing
- Public Service at Library
- Monroe Historical Center – One Room Schoolhouses
- Kirkwood Live – Dancing in the Streets
- Cultural Lens Project
- Peek Oil
- Cooks Challenge
- Salsa Contest
- Tapestry of Mediterranean Dance

There were Interference problems on channels 3 & 7, due to failed distribution in main wiring. Congrats to Leonard Beasley's approaching 100th program.

Monroe County has provided new funding giving by the county to CATS. The amount -- \$200,000 -- is a \$50,000 increase in budget money. It goes into a general purpose fund for CATS operations. Also discussed were CATS coverage of WHB television news, local news, meetings in review, and local programming with sports and arts.

3. WTIU – Phil Meyer

Since June, TIU2 programming changes from the Ananburg channel to “Create” (how to programming) & “World” programming on WTIU 2. It was a smooth transition, people were aware of the transition. We have had positive comment about World and Create.

Two exceptions to programming in October to the Create & World Schedules

1. Tuesday 10/14 6pm – State of the University Address by President McRobbie from IUPUI.
2. 10/21 10am – Electronic Field Trips from Ball State. They are not doing as many as before due to funding. They will have one in the fall and one in the Spring. The first one will mark the 100th anniversary of baseball with Take Me Out to the Ballgame.

Cable Carriage Update

NCTA national agreement that was signed in 2005 between PBS and the national cable telecommunications association. September 2007 the FCC had a view ability order governing post-digital transmission cable carriage. Which means that cable providers had more time to convert their physical plants to all digital than the mandated broadcast stations version deadline. Cable systems could down convert a digital signal for analog customer's subscribers to at least 2012. NCTA said this significantly changes the agreement and they want to set the agreement aside.

In the short term, we are negotiating with NCTA, where individual stations are filling out forms that we want to be either analog or digital on these cable systems. NCTA signatories have the option to sign or not to sign. We are negotiating cable

carriage on every cable system that is a signatory of NCTA (Comcast in Bloomington, Bedford, Monrovia, Martinsville, Columbus and Time Warner in Terre Haute, plus Insight markets in Southern Indiana) We must negotiate arrangements as opposed to a must carry which is an analog arrangement. We have submitted those forms to APTS the national advocacy group for public television. The time line is undetermined as to when the cable systems get back to us that they have signed the agreements.

Invite to the Open House to see the new high definition equipment and WTIU HD radio equipment of October 23rd. Public is invited as well.

Suzann – Explain the conversion of TIU 2 and the end of the Ananburg channel? Explain how that fulfills the agreement and expectations of having a PEG channel?

Mr. Meyer – It meets public aspect in that we continue with the electronic field trip, and state university address, and will be adding newsbreaks when the technical aspects are ironed out. It also incorporates the educational aspect because the “World” programming. Programming in Schools: Nova, Frontline, PVO, NewsHour, Washington Week. So the 2 of the 3 initials of PEG, it meets those requirements.

Suzann – My understanding of PEG, the P in public was that it was to accommodate the public access. Public access is the P part.

Eric - That is one interpretation. It depends on how you define public?

Mr. Meyer – Traditionally, defined by the majority of services as public access. The word public in the FCC regulations is service to the public not public access.

Eric – That would be true for your station because you’re over the air the station has a public benefit requirement. You have to benefit the public in some fashion.

Mr. Meyer – We meet the educational requirement, which was the original purpose of WTIU 2.

Suzann - When the PEG channel was granted, there was concern that it not be a repeat channel of the main WTIU channel. I just suggest we monitor the duplication of service.

Mr. Meyer – It just depends on how you define duplication. As long as we don’t exceed 80% duplication, we are still in compliance.

Eric – The NCTA agreement that was originally with APTS. Did you empower APTS to negotiate that?

Mr. Meyer – Yes, we are members of that, as well as members of PBS. CPV is not involved in the process.

Eric – Those 200 indentities have negotiated with cable providers to get carriage.

Mr. Meyer – Right that is just the national signatories.

Eric – The FCC had no ruling on PBS stations being over the air.

Mr. Meyer – There is no digital must carry for any digital broadcast. They mandated the conversion but did not carry forward the “must carry” requirement.

Eric – WGN was an analog station over the air for a long time. There was a must carry requirement for cable providers in the Chicago area to have WGN on their systems. Now that WGN goes digital are cable providers required to carry WGN on their cable digital system.

Mr. Meyer – No, it is a negotiated process. No FCC requirements.

Eric – Even though, it is considered a local channel.

Eric – So local stations are no longer required to be carried on cable systems. After digital transition no local stations are required.

Mr. Meyer – If you look at WGN, they have begun to brand their cable services as WGN America. Actually, a separate feed, they are a CW affiliate, and have two separate schedules.

Eric – WTIU being analog, there was a requirement for WTIU to be on cable systems in the local area. So after 2009, there is no longer a requirement for WTIU to be carried by video service providers.

Mr. Meyer - We have asked for analog carriage on current systems that we are already on. So none of the subscribers on cable will be left behind, but we will be providing a digital signal that will be down converted. That’s what the FCC ruling in September of last year gave the cable systems permission to do. It did not have to be full digital pass thru of digital signal, it could be down converted.

Eric – Currently you are negotiating with Comcast, Time Warner etc. to carry WTIU, and I’m assuming you have also requested WTIU 2 to be one of those.

Mr. Meyer – We have requested carriage of both analog and digital which would include WTIU 2. The signatories have the option to refuse it.
We have WTIU, WTIU 2, WTIU (simulcast of WTIU); eventually “Create” and “World” will separate. “World” will become WTIU 2 and “Create” will become WTIU 3 and adding later this year WTIU 4 which will be a Spanish Language Service.

Eric – You have currently requested service for WTIU, WTIU2, WTIU3, and WTIU4.

Mr. Meyer – They only have to take our main service. Because we have requested to be on the analog tier, in order not to leave subscribers behind. We don't get a choice of what stations are carried.

Eric – PEG channels are required to be carried under the video certificate law of Indiana. We want as much good content to get out as possible which we delegated to WTIU. WTIU is going to be carried because of the definition, primary PBS that means it doesn't have to be a PEG designation for it to be on the system. I don't want to allocate a PEG channel for content that would already be carried under another contract.

Mr. Meyer – That is less likely than it was before. My sense is I want to protect that PEG channel.

Eric – You are negotiating with ATT.

Mr. Meyer – We have been as successful as the council has with them. They are carrying the main signal but are not interested in any other services.

Eric – We know they are required to carry TIU 2 as a PEG channel. They are not doing some, in addition, to the other 5. ATT scenario, they are planning to offer all PEG channels under channel 99 with a drill down menu that takes up to 2 minutes to resolve, with lower resolution. You have to do more.

Mr. Meyer – I did send a letter objecting to those technical standards.

Eric - Negotiating with ATT, it could come to pass that WTIU 1, WTIU 3, and WTIU 4 are on standard channels, 4, 5, 6. WTIU 2 is in a low resolution.

Mr. Meyer – That is possible, but not likely.

Eric – I think it is very likely.

Mr. Meyer – They don't even have to carry our broadcast as a main service. They aren't interested in carrying our digital service.

Eric – They wouldn't carry WTIU 3 & 4 anyway.

Mr. Meyer – How long have we've been trying to get the PEG channels carried?

Eric – I guarantee we will see resolution of the PEG channels. PEG resources are important. It allows the community to choose what content we see.

Carl – What is a good estimate in viewers that receive signal over the air?

Mr. Meyer – 15%, it varies from market to market. More rural counties percentage may go up. Monroe County is close to the national average.

Carl – Given those numbers, what is the likely hood of the local stations that will continue to broadcast analog?

Mr. Meyer – We are required to stop on February 2009. We have to turn off our analog transmitter because FCC has already sold that bandwidth.

Carl – If you extend the concern you have with WTIU to other local stations. Conceivably, a cable station could decide it was not going to carry channel 4 & 59.

Mr. Meyer – The cable system, if they make a financial decision not to carry a broadcast system. There is nothing that requires them to do so.

Carl – Everything will be digital when the change takes effect, that concerns me, a lot more. The amount of local information is being loss. It is growing completely out our hands to have any input into what information this community uses and hears.

Eric – Accept for PEG

Carl – 95% of subscribers have access to the local PEG channels and 5% don't. If local area loses influence, whether that's the way business ought to be done. There isn't a whole lot in the package for a cable service to carry local channels. It's going to take people in the community standing up and saying this is what is we want.

Eric – We need more public participation in telecommunications issues, video service issues, but also broadband issues. I want to see more of the public at these meetings. The council has been dis-empowered by the passage of the 2006 law. We are operating in a vacuum. The most influential voice is the public.

Suzann – The overall population doesn't care about local. People don't care about getting the local paper, eating at local restaurants. We have moved into a generation where people have lived in several different places. They re-locate with great frequency. They don't have attachments to community. Most are not interested in local politics. We are in a new age of people not being driven by local concerns then the rest of us.

Carl – It is a financial market staying in business may cost things you value in the long run.

Eric – Where's the beef? Where is the economic development? Where is the increase competen? Where are the lower subscriber rates? It is going to be very difficult for components and supporters of this law to produce evidence. As a community we can only speak to what has been lost.

Carl – The state of Indiana could loose 5 television stations from 85% of TV's in the state. Simply because we can make more money getting feeds from other places, if the community doesn't step up.

Mr. Meyer – The FCC mandated the conversion but didn't require the cable system to continue to carry those services and now proposing the re-trans negotiations (which is where the commercial stations are paid for their cable carriage). That will have a two month window on either side of the conversion. So there's not any holding stations hostage as cable systems convert.

Jesse – There may be a potential benefit of finding out how many people do antenna. It's growing number and it fluctuates.

Mr. Meyer – Huge inventory of sets not hooked up to cable. These sets can get some stations but will need a converter box.

Coupon Program – Relatively inexpensive to get a box.

The Department of Commerce has a \$40 off converter box. The converter box does the same things that the Comcast piece of equipment will do. It takes a digital signal, and converts it to something your analog TV can show. The coupons cost nothing. Each household is allowed 2 coupons. They work like a debit card. They do expire in 90 days after received. How do you get them?

- 1-800-DTV-2009
- WTIU – website links to order online
- www.DTV2009.gov

Suzann – Initially, they discouraged people who had cable service to apply for the coupons.

Mr. Meyer - There are only a certain amount of coupons not one for every household.

4. City of Bloomington ITS Department – Rick Dietz

Housekeeping

- BDU Advisory Meeting , Thursday 9-4-08 @4pm
- Did get data from IURC – I received a list of complaints. It was statewide. I did sign up for monthly updates. They did let me know that they aren't required, but would oblige if asked.

Suzann – What was the number of complaints?

Carl – 60% of complaints seem to be that someone didn't answer the phone. It was a very awkward format.

Eric – I'm interested in seeing format and putting it into a database that all can see.

Suzann – Are the complaints expressly video? Or all utilities.

Rick – There were only a couple in the area code I recognized.

Eric – All utilities

Carl – It is an awkward form to make any sense of.

Rick – I anticipate looking at what is to come in for the month of August.

Eric – Have they been tracking this for a while?

Rick – I assume they have some sort of archives.

Eric – Can we request to see that data?

Rick – I can request data from the last few months.

Eric – Perhaps we can request the past 2 months. If we can get this information, we need to retrieve all that we can.

Eric – We know there is a web form people can fill out for complaints? How do they produce the CSV file?

Rick – Amount of information is minimal, enough to know utility and the complaint type.

Eric - They need to provide an accurate summary of what the complaint is.

Carl & Eric attempted to read one of the complaints from July. They looked at the headings.

Suzann – Assuming that these are actually people who have filed a complaint and want a response.

Rick – Some complaints not applicable or out of our jurisdiction.

Eric – Video Service Complaints, how many do they feel they have jurisdiction over.

Question: What the state legislators did is removed the negotiating ability of municipalities or franchises then consolidated those requirements into the 2006 law. The 2006 law is a subset of what municipalities negotiated. It's not clear that the 2006 subset attends to all the FCC requirements. The state whether they have the ability or not are not enforcing all the requirements. Law needs revision.

Carl – I looked over July, and there was not one complaint about ATT and their pay channels.

Rick – We will just have to compile as much information as we can into a database resource.

Eric – Ask the IURC, how we can interrupt the complaint category, complaint detail, whether the complaint is filed with the IURC for the PEG services not appearing on ATT, how is that reflected?

Rick – I'll do what I can to get back information. If you have any other questions, send them to me.

Eric – ATT customers may not be aware that they are to be getting PEG channels. You can't complain about something you don't know you are supposed to have.

Rick – The legislation created impediments for citizen involvement and disempowered local communities. The IURC was thrust into this oversight role, but not necessarily empowered to do much at all. Structure of legislation using the nuclear bomb approach, no incremental sanctions for non-compliance.

Eric – There is not a method for revoking a video certificate. You apply and get it forever, no meeting or measurement of complying.

Rick – If you wrote the law, why would you put in a measure to strip the franchise from yourself?

5. Comcast – No representative

Suzann – Remittance of advice from Comcast for the 2nd quarter of 2008. Looking in past minutes that we had not made a point to record these amounts, I make a request they be recorded at this time.

2nd quarter of 2008 amount \$ 167,619.79

(Has little meaning because we have nothing to compare it too)

4th quarter of 2007 amount \$ 179,066.00

3rd quarter of 2007 amount \$ 155,000.00

Eric – Decrease could reflect movement from Insight to Comcast, tabulation method may have changed, but shouldn't have.

Suzann – maybe rate increase

Eric – Would have to be larger

We need to follow up with city legal, provisions still exist that we can request an audit. This can reveal if calculations are accurate, and determine if Comcast is paying all the franchise fees to the city or overpaying. Comcast will come back and ask for a credit if they have overpaid.

6. ATT – No representative

Suzann - Payment 2nd quarter of 2008 amount \$8,011.61

Research 1st quarter of 2008, no amount found

4th quarter 2007, amount \$3, 665.59

2007 it had more then doubled from 3rd & 4th quarter too.

These are trends that we need to be monitoring.

V. Old Business

Carl – Issues that we were going to address is a public meeting but could not get together. With permission, I will try to get something together in the next couple of weeks.

Suzann – Minutes showed we were going to plan for October.

Carl – skip to New Business

VI. New Business – None

VII. Adjournment

Motion made by Suzann

**Next Regular Meeting
Tuesday October 7, 2008 at 7:30pm in the
Common Council Chambers in City Hall at the Showers Building
401 N. Morton St.**

Submitted By:

Stephanie Jachim 9-17-08